CANTRELL IS SENTENCED

SPECIAL JUDGE COFFIN OVERRULES MOTION FOR A NEW TRIAL.

Ghoul Says He Will Not Testify Against Dr. Alexander-News of the Courts.

Rufus Cantrell, convicted in the Criminal grave-robbing, was sentenced yesterday by Charles F. Coffin, the special judge who tried the case. Cantrell was under two counts. Under the ten years and under the second sentence was from two to fourteen years. He will serve both sentences at the same time. The court overruled a motion for a new trial. Cantrell seemed to be in a good humor. He made the statement before returning to jail that he was determined not to give evidence against

Harry Bechtel, charged with petit larceny, pleaded guilty in the Criminal Court, and was fined \$1 and costs and sent to the workhouse for four months. William Shuffelbarger and George Hall, indicted by the grand jury on the charge of petit larceny, were allowed to go on their personal bond of \$800 each. It is said they went to a new and unoccupied

house under the guise of renters and re-moved the gas fixtures, door bells and other articles of value. Ed Sayre, charged with receiving stolen goods, pleaded guilty and was released on suspended sentence.

The affidavit against Benjamin F. Uhl, charged with violating Section 3 of the Nicholson law, was quashed on account of a flaw. The case came up from a justice of the peace.

CUSTODY OF A DAUGHTER.

Judge Leathers Now Has the Case Under Consideration.

Judge Leathers yesterday heard evidence in the habeas corpus suit of Thomas Hole for possession of his ten-year-old daughter. In 1897 Hole and his wife were divorced and the court gave the father custody of the two children, a boy and a girl, who went to live with his sisters. The mother afterward married a man named The evidence disclosed the fact that the little girl is very fond of her mother and has been stealing out and go-ing to her home at every opportunity. She would write her mother letters and sometimes on Sunday would tell her aunts that she desired to go to Sunday school, and instead would go to see her mother. The court was informed by a number of people that Mrs. Ballard is a perfectly proper per-son to have the custody of the child. Sev-eral witnesses testified that Mrs. Ballard associates with very good people. One of the lawyers asked the witness, a woman, to name some of these "good people." "Well," said the witness, with a toss of er head, "I consider myself all right." Judge Leathers announced that he would like to have a talk with Mrs. Ballard's hus-

band before awarding the custody of the child to the mother. Mrs. Ballard said she did not know that the original order of the court could be changed, and this was why she had not asked for the custody of her little daughter.

Hiram W. Miller in Court.

Hiram W. Miller, owner of a farm of 520 acres, on which he maintains a dairy, securing milk from a herd of fifty cows, was before Judge Whallon in Police Court yesterday morning on warrants sworn out two months ago charging him with selling im-pure milk. The affidavits of the city chemist and an inspector showed that milk below standard grade was found in one of Miller's wagons. Miller explained his administration of his farm and said that if any impure milk was sent from it his drivers were responsible for it. The case against Miller was taken under advisement until Henry Beuke, one of Miller's drivers, who disappeared a month ago, can be

Jones May Plead Guilty.

It is understood that Jones, one of the colored ghouls confined in the county jail, has announced that he desires to plead guilty. He has sent for John F. McCray, one of Cantrell's attorneys, to come and see him at the jail. Attorney McCray said last night that he had advised the colored men charged with grave robbing to testify against Dr. Alexander if the State was willing to show them any leniency.

Emma Kokemiller Sues.

Emma Kokemiller is suing William C Kokemiller for divorce, the custody of their child and \$600 alimony. The plaintiff avers that on April 4, in the presence of some of their acquaintances, her husband called her a "yellow dog" and told her that as soon as he got her home he would knock her brains out. She says he also called her a "thief" and "street-walker."

in the Probate Court.

William N. and Henry L. Harding have been appointed administrators of the estate of Laban Harding, giving a bond of \$3,000. John G. McCullough was appointed administrator of the estate of Benjamin F. McCullough. Bond, \$500.

Companies Have No Connection. It was the American Produce Company

that went into a receivership in the Superfor Court a few days ago, and not the Western Produce Company. The companies had no connection with each other.

THE COURT RECORD. SUPERIOR COURT. Room 1-John L. McMaster, Judge. Mary Schober vs. Charles Schober: di-Finding and decree for plaintiff Judgment against defendant for costs.

John Newbauer vs. Lugene Newbauer; di-

vorce. Finding for defendant. Judgment

against plaintiff for costs. Minnie Story vs. Frank Story; divorce, Finding and decree for plaintiff at her cost. Andrew Kinney vs. Clara Kinney; divorce. Finding for defendant.

Room 2-James M. Leathers, Judge. Thomas Hole vs. Clara Hole; habeas corpus. Submitted to court. Evidence heard Taken under advisement. George C. Brinkmeyer et al. vs. Francis

L. Showalter; suit on account. Judgment against defendant for \$754.43 and costs. CIRCUIT COURT.

Merle N. A. Walker, Judge Pro Tem Allen Caylor vs. M. A. Woollen. Evidence concluded. Finding for defendant on com-Finding for plaintiff on counter-Judgment against each party for

one-half of costs. NEW SUITS FILED.

Selina V. Ensley et al.; mechanic's lien. Superior Court, Room 1. Emma C. C. Kokemiller vs. William Kokemiller; divorce. Circuit Court,.. C. Ehrlich Coal Company vs. Francis M White; suit on account. Circuit Court. Maas-Neimeyer Lumber Company vs. Canada Button et al.; mechanic's lien. Su perior Court, Room 2.

Maas-Neimeyer Lumber Company vs

HIGHER COURTS' RECORD.

APPELLATE COURT -New Suit .-

4085. Miles Lamp Chimney Company vs. Erie Fire Insurance Company of Buffalo N. Y. Marion C. C. Record. Assignment of errors. In Term. Bond.

Jemima Stutsman vs. Frieda Stuts-Elkhart C. C. Appellant's petition and brief (8) for rehearing. C., L. & L. R. R. Co. vs. Patrick Mc-Guire. White C. C. Appellant's petition to transfer to Supreme Court. 4725. Thomas J. Clark et al. vs. Curtis Worrall et al. Clark C. C. Appellant's brief (8) (Eador et al.) Appellants' brief. 4725, Heloise McMillan et al. vs. James S Clements et u. Jackson C. C. Appellants'

Friend of Ex-Prisoners

dent of the Central Howard Association, which has its headquarters in Chicago. One of the chief purposes of the as-

ganization desires to act as "first friend" to men entitled to parole. It is claimed that among the objects accomplished by the Central Howard Association during the year 1902 was to secure employment for 150 men, winning to manhood and good citizen-

ship this number. BLAMES HIS MOTHER-IN-LAW.

W. H. Baxter Called Upon the Police for Advice.

W. H. Baxter, a bicycle dealer at 540 Indiana avenue, had some trouble with his mother-in-law last night, and to get him out of it the bicycle police were called. Duncan and Kiefer found that Baxter's mother-in-law, according to the man's complaints, has frequently bothered him in his business, but that she had done nothing for which she could be arrested. Baxter said she came to the store early in the evening and demanded to see her daughter, Baxter's wife. He told her that his wife was not around the place, whereupon his mother-in-law accused him of having hidden her, and became so violent in her demands for him to produce her daughter that he called the police. The police advised Baxter to secure a warrant for his mother-in-law's arrest if he felt that she had done him any injury.

DUHMES' SKILLFUL MOVE

(CONCLUDED FROM FIRST PAGE.) what our exact duty in the matter is," he said at length. "We are under order of Judge De Hart to produce the person of Moses Fowler Chase in court Monday morning. There are a number of legal mat-ters to be adjusted then. I am not averse to a short postponement."

"But will you agree not to ask for an order from Judge De Hart Monday morning?" asked Attorney Gaylord. 'We shall be in court at that time with

the body of the young man," replied Mr. Harris. "I shall be in Lafayette." "So that you can go ahead there while you tie our hands here," broke in Mr. Ketcham with a growl. The turn of affairs was evidently very distasteful to him. His hammering at Judge Anderson had been ineffectual, his points had been turned aside one after another, frequently with a sar-castic smile by the court. He was apparently in the mood to brook no delay. His slap at Mr. Harris was immediately smoothed over by Judge Harmon. Suavely and quietly he addressed himself both to

"Oh, I am sure we do not ascribe any such motives to the opposing counsel," he said. "All that we ask is an agreement to let these matters remain in statu quo." "When can your honor hear this matter?" asked Mr. Harris.

Frederick S. Chase.

COMPROMISE AGREED UPON. Judge Anderson consulted his note book and found that the week was so filled he could appoint no time earlier than Thursday morning. Mr. Harris looked interrogatively at Attorney Simms, of Lafayette, received a nod from him and immediately agreed to the compromise sug-

"Now," said Judge Anderson, "let us have a clear understanding of this matter. As I take it you gentlemen"-he addressed himself to Mr. Harris and Mr. Simms-"will not proceed in the insanity petition in the Tippecanoe Circuit Court at Lafayette Monday morning until after this court has decided this petition for a writ of habeas corpus next Thursday morning. You gentlemen"-he spoke to Judge Harmon and his associate counsel-"will also agree to take no further action of any

"We are agreed," responded both sides in concert. With that the hearing termi-

The argument as to the jurisdiction of the United States District Court was intensely interesting. The counsel for Mrs. Duhme had prepared themselves carefully for argument, as had Mr. Harris, but the latter was given no opportunity to present his points. Judge Anderson in the brief time allowed him had searched for precedents and had found what appeared to him an absolutely parallel case. Formidable law books lay on the judge's desk, on chairs, on attorneys' knees and wherever there was space for a book to lay. William A. Ketcham made the principal

argument for the complainant. Now and then Judge Harmon would quietly interpose a remark or Mr. Gaylord would make a suggestion, but Ketcham stood immediately in front of Judge Anderson, his face reddening as he found his progress blocked by counter points raised by the judge. Addison C. Harris sat quietly in a corner calmly consulting a law book now and then, but saying nothing. Judge Anderson leaned back in his chair obviously awake to the swift passage of time. "This young man," said Ketcham,

citizen of the State of Ohio restrained of his liberty by his father in violence of the fourteenth amendment of the federal Constitution, which plainly sets out, as your Honor can see, that no one shall be deprived of liberty without due process of law. He is not a citizen of Tippecanoe county, Indiana, being simply taken there by the respondent, Frederick S. Chase, for no other purpose than to establish a pseudo residence for the purpose of obtaining a decree of insanity. There can be no question of the jurisdiction of the United States Court for this district.'

JUDGE INTERPOSES.

"I find here," said Judge Anderson, consulting a federal report, "the syllabus of a case in the Nebraska court taken there from Ohio. The ruling of the judge in that case was that the Federal Court had no jurisdiction; that it was entirely a matter for the State Court in Ohio. It is clearly held therein that the District Court had no jurisdiction, for the person for whose body a writ was asked was not confined by federal authority and had violated no

the Nebraska decision affected the jurisdiction of United States District Courts alone, and had no bearing in cases where the jurisdiction of United States Circuit Courts are involved. A distinction exists, Mr. Ketcham argued, and he was reinforced in the argument by Judge Harmon. which the Federal Courts have recognized in habeas corpus cases. While the District Court might have no power to issue a writ, it is clearly in the power of the Circuit Court to do so, the Duhme attorneys

Judge Anderson said that he did not desire his answers to be taken as evidence that he had formed an opinion in the controversy in question. He was making suggestions for the purpose of throwing light on the matter. So far as he could see, he said, the Chase case did not lie in the jurisdiction of his court, the Chase case seemed a matter for the Tippecanoe Circuit Court

"But the young man is not a resident of Indiana," put in Ketcham, "he is a resident of Ohio, violently restrained against his own will of liberty due a citizen. Surey your honor has every right to correct this wrong.'

"But the matter of residence will be settled Monday morning," said Judge Ander-"Why not wait until then?" The Duhme counsel objected in chorus. About that time Judge Anderson took a look at the clock and found that he could spend no further time in hearing argument. He made the suggestion concerning postponement, and the compromise was

Petition in Full.

The petition for a writ of habeas corpus filed by the Duhme counsel and Mr. Hoadly recites the interesting facts in Chase case at length and reviews the legal steps taken both by the father and the aunt to control the boy and his property. The complaint in full follows:

"Your petitioner, George Hoadly, jr., who is a citizen and resident of the State of Ohio and who files this petition for and in the interest of Moses Fowler, sometimes erroneously described as Moses Fowler Chase, likewise a citizen of the State of Ohio, presents this his petition against Frederick S. Chase, a citizen of the State of Indiana, residing in Lafayette, in the said State, respondent. And thereupon said petitioner shows to the court that said doses Fowler is illegally restrained of his city of Lafayette by said respondent, Frederick S. Chase, and against the will of the said Moses Fowler and of this petitioner, and in violation of the first section of the fourteenth amendment to the Constitution of the United States, whereby it is provided that no State shall deprive any person

liberty without due process of law, as elnafter more particularly and specifically set forth; that is to say: "Said Moses Fowler is the son of the re pondent and the deceased mother of said Moses Fowler, Annis Chase, who was the

sister of one Ophelia Fowler, who since the death of said Annis Chase has intermar-ried with one Charles H. Duhme, said Charles H. Duhme and Ophelia Duhme besociation is to awaken public sentiment in that at the time of the State of Ohio; sociation is to awaken public sentiment in that at the time of the death of said Mrs.

Annis Chase said Moses Fowler, then Moses

Fowler Chase, was a lad of tender years, to-wit: Of the age of about six years, and said Ophelia Fowler at that time was unmarried and living with her father, Moses Fowler, and her sister, Mrs. Annis Chase, and the respondent at the city of Lafayette; that shortly prior to the death of Mrs. Annis Chase, she, with the knowledge and consent of her husband, delivered to said Ophelia Fowler her said infant son and charged her with the care, conduct and bringing up of said lad; that thereafter, towit: About the year 1887, while said lad was still of tender years, being about the age of nine, said Ophelia Fowler intermarried with the said Charles H. Duhme, and shortly thereafter went with her husband to his nome at Cincinnati in the State of Ohio, and has ever since continued and remained a resident and citizen of the State of Ohio and of the city of Cincinnati, taking with her, with the knowledge, assent and approval of the respondent, the said lad so consigned to her care by his mother, the said respondent having been by the Tip-pecanoe Circuit Court, in Tippecanoe county, Indiana, in the year 1889, duly appointed guardian of the person and estate of said youth during his minority, and entered upon and continued in the discharge of his duties until as hereinafter set forth; that while said lad was making his home with his said aunt during the summer of 1898, while he was at home on a vacation, he suffered a sunstrike from which his mind was seriously affected, and he was thereafter, with the consent of his said aunt and of the respondent, committed to Oak Grove Sanatorium, in Flint, Mich.; that the authorities of said sanatorium required as a condition precedent to his admission into the sanatorium that he should be adjudged a person of unsound mind, and, upon the application of the respondent, he was so adjudged, but without the knowledge of his said aunt, Mrs. Duhme, and thereupon said young man remained and continued in said sanatorium until he came of age, on the 4th day of June, 1899; that thereupon the respondent, contriving and devising how he should obtain control of the person of the young man, and continue the control of his property, went to Michigan in order to bring the young man to Lafayette, intending to institute proceedings against him to have him declared to be a person of unsound mind, and thereupon the young man, being taken by said respondent to the city of Detroit, there met his aunt and went with her to the city of Cincinnati, the home of the said Mrs. Duhme, and his home so far as he had theretofore recognized any place as his home since the year 1887; that during the year 1899 proceedings were taken in the Probate Court of Hamilton county Ohio, upon the application of said Moses Fowler Chase, to be adjudged a person of sound mind, and thereupon on full in-

the person of said Chase and of the subject matter of said proceedings, it was by said court, on the 13th day of June, 1899, adjudged that he was an inhabitant of the county of Hamilton and a person of sound IN TIPPECANOE COUNTY. "Your petitioner further shows that prior thereto, towit: On the 6th day of June, 1899, said respondent had procured the filing of proceedings in the Circuit Court of Tippecanoe county, Indiana, against said Moses to have him declared a person of unsound mind, which said proceedings continued pending in said court until thereafter, to wit: On the 21st day of November, 1899; that in the meantime the petitioner in said matter, one Samuel P. Baird, who had been procured to file said petition by the respondent, had requested, with the written consent of the respondent, that said proceedings should be dismissed, but objection was made to such dismissal by said Moses and thereupon the question of the sanity

of said Moses and of the proceedings so instituted by said respondent and said Baird, at the instance of said respondent, were submitted by said Moses and the respondent to the consideration and judgment of said Circuit Court, and evidence was heard, and, the matter being fully considered, it was by said court adjudged that said Moses was of sound mind and that the petitioner take nothing by said proceedings and pay the costs of said action, which said judgment has ever since remained in full force and effect, no appeal therefrom has ever been taken, and the same remains in full force and unreversed; that thereupon said Moses returned to his home in the city of Cincinnati and remained there until during the spring or summer of 1900, when he went with his uncle and aunt, Mr. and Mrs. Duhme aforesaid, on a visit to Europe, such visit being made at his instance and request; that prior to his going to Europe said Moses being desirous of changing his name to that of his grandfather, for and after whom been named, duly presented to Probate Court of his verified petition. forth that he was a resident of Hamilton county, Ohio, and of his desire to have his name changed, and in such proceeding, after full investigation by said court as to his residence and the jurisdiction of the court over the subject matter of said acthe name of said Moses Fowler Chase be changed to the name of Moses Fowler, and from that time forth his rightful and legal and none other whatever; that during the sojourn of said Fowler abroad he suffered a relapse and was at different times placed in two different sanatoriums in the city of Paris, in France, and was recovering continuance in either of said sanatoriums adv of such a character as to render him dangerous or intractable, but he was permitted to and did go about quite frequently. alone, although at times, when his malady was more acute than at others, accompanied by an attendant, and he was being restored slowly but steadily to health unti towit: On or about the 28d day of March

1903, when he was fully restored to health and in full possession of his mental faculties; that shortly prior thereto said respondent, devising and contriving in what manner to obtain possession of the property and person of said Fowler, and with the contrary to the express provisions of the appearance of authority, filed with the Cir- fourteenth amendment to the Constitution federal law. The case seems to meet this cuit Court of Benton county, Indiana, in of the United States as aforesaid. tate, but wherein said Fowler had never at any time resided or sojourned, a petition to be appointed guardian of the estate of said Fowler, said petition having been filed without notice, either personal or constructive, by publication or otherwise, on the afternoon of the last day of the term then being holden, and upon the pretense of an and resident of said county of Hamilton, emergency procured his appointment as guardian of the estate of said Fowler, descrioing him in said petition, however, as Moses Fowler Chase; that still further devising and contriving to obtain possession of the property of said Fowler and of his person, thereafter, towit: On the 25th day of March, 1903, said respondent, by his agents, obtained possession of the person of said Fowler, and by force and violence and against the will of said Fowler, took him from the sanatorium in which he was

then sojourning in Paris, France, and

caused him to be brought to the city of Cherbourg, in France, and there secretly but forcibly caused him to be placed upon one of the transatlantic steamers for the purpose of being conducted to America. FORCIBLE POSSESSION. "During all of said journey across the water said Fowler was in the forcible pos session and charge of three persons, strangers to said Fowler, but employed by the respondent for that purpose; that said vessel reached the outer harbor of New York on or about the 13th of April, 1903, when i was met in the outer harbor by a tug that said respondent had secured for that purpose, and said Fowler was by said respondent and his employes by force and violence removed from said vessel to said tug, and thereon secretly, hastily and without any notice to the friends or relatives of said Fowler, or to said Mr. and Mrs. Duhme, or either of them, carried to the city of Elizabeth, in the State of New Jersey, where he was held by said respondent and those in his employ by force, and against the wil of said Fowler, confined and held for a brief period, when he was again remove to the city of Paterson, in the State of New Jersey, where he was likewise held and confined for a brief period, when he was by said respondent, by force and violence taken to the city of Chicago, in the State of Illinois, across the State of Ohio, of which said Fowler was, as aforesaid, a citizen and resident, and from Chicago brought, on the to the city of Lafayette, Ind., where he has ever since been held by said respondent in confinement, restrained of his liberty, his liberty at St. Elizabeth's Hospital, in said friends and equaintances, denied all access to him or all opportunity to communiformer attorneys from having any communication whatever, and he still is in confinement and restrained of his liberty by

said respondent; that by reason of the vio-

lence inflicted upon him by said respondent

and his employes, and his being separated from his friends and his domicile, and the

terror occasioned by the manner and meth-

od of his seizure and transportation, there has recurred to said Fowler, in an acute

acter as that, as your petitioner is in-formed and believes, will yield to treatment if an opportunity is afforded to give him such treatment and care as he requires, and to relieve him from the terror and mental anxiety that the force, violence and confinement that have been inflicted upon

him has occasioned. FATHER'S PETITION. "That thereupon said respondent having ascertained that his design of obtaining possession of the person of said Fowler had been successful and that said Fowler

was on the way from the city of Chicago to the city of Lafavette, said respondent caused and procured a petition to be filed in his name to have said Fowler adjudged to be a person of unsound mind by the Tip- pointed for the young man on the ground pecanoe Circuit Court at Lafayette, Ind., | that he is a citizen of Ohio. and thereupon, upon the arrival at the station in Lafayette, said respondent forcibly took and conveyed said Fowler to an office | insist he should be called-is insane, Judge in the city of Lafayette, and there, behind closed and guarded doors, closely confined, detained and restrained said Fowler, and during the said forcible removal of said Fowler from said station to said office the Judson Harmon, guardian of the boy. The said respondent and others, at his instance | Cincinnati attorneys for Frederick S. Chase, and procurement, forcibly, violently, and with threats, denied and prevented the friends and representatives of said Fowler | ance that would have been made had their access or opportunity to approach or communicate with him; that shortly after he had been so forcibly taken to and confined in said office, and while the doors of said office where said Fowler was then forcibly of habeas corpus. Although the writ was detained and confined, as aforesaid, were not granted last night, the Duhmes were guarded by the agents and employes of successful in preventing Frederick S. Chase said respondent, the sheriff of Tippecanoe county, Indiana, was admitted into said office by the said agents of said respondent, with his knowledge and consent, and then | De Hart, and the case was to be tried toand there, while said Fowler was so forcibly restrained of his liberty as aforesaid, said sheriff read to said Fowler the following summons in said last-named matter, issued, or purporting to be issued, out of said Tippecanoe Circuit Court, and under the seal thereof, on said 16th day of April, 1903, and directed to the sheriff of Tippecanoe county, Indiana, which said summons was | Special to the Indianapolis Journal. in the words and figures following, towit: "State of Indiana, Tippecanoe County, ss.

"The State of Indiana to the Sheriff of Tippecanoe County, in said State, Greeting: "You are hereby commanded to summon Moses Fowler Chase, if he may be found in your county, to personally be and appear before the judge of the Tippecanoe Circiut | a guardian be appointed has added another Court, on the 19th judicial day of the April | tangle to the case that makes it a maze of term, 1903, now being held at the courthouse in the city of Lafayette, in said county, te wit: On the 27th day of April, 1903, then the court and to the leading counsel for vestigation had by said court, said court and there to answer the petition of Fred- by the Cincinnati judge makes a total of having full and complete jurisdiction over erick S. Chase asking for the appointment of a guardian of the person and property of the said Moses Fowler Chase, filed in said | The courts of Ohio and Indiana have alcourt against him, and have you then and

court, and the seal thereof, affixed at office, tate overlaps the appointment by the Ben-"WILL W. BURROUGHS, Deputy. "The said sheriff at the time of said pre-

tended service then and there well knew that said Fowler was of unsound mind and incapable of comprehending the contents of day, the object of all the sensational court said summons or the purpose of said pro- actions is at St. Elizabeth Hospital gibberceeding, or his rights in the premises. And ing and talking to himself, guarded by four your petitioner shows that except and other than the summons above mentioned and set husky men and not a bit interested in what forth no other notice, summons, citation or is going on. process of any kind, character or description whatever, either in the above entitled action and proceeding, or in any other action or proceeding, was ever served upon or read to or attempted to be served upon date after his being brought by force to said city of Lafayette as above described, and your petitioner shows that said summons so read to and sought to be served upon him was and is the only summons, order of court or writ of any kind, charmatter upon said Fowler or issued by said court against said Fowler up to and including said 16th day of April, 1903.

CONTRARY TO CONSTITUTION. "Your petitioner further shows that by the statutes of the State of Indiana such cases made and provided, provision is made for the appointment of a guardian for the person of an insane person an inhabitant of a county within the State of Indiana, but that there is no provision of law whatever authorizing or permitting any court within the State of Indiana to appoint a guardian of the person of a nonresident of the State of Indiana, and that at and prior to and including the 16th day of April. not been an inhabitant of the State of Indiana, or of any county thereof, since he arrived at full age, but is now and ever to set aside and vacate the judgment in since his arrival at full age has been a resident and citizen of the State of Ohio and of the county of Hamilton in said State. and that the only manner of his being in the county of Tippecanoe is, as hereinbefore tion, it was adjudged by said court that set forth, by virtue of the force and violence committed upon his person in transporting him from Paris, France, to the city of Lafayette, as hereinbefore set forth, and name has been and still is Moses Fowler | he submits and shows to the court that his being in the county of Tippecanoe under such circumstances as above set forth does not make and ought not to be construed as making him an inhabitant of the county of Tippecanoe in the State of Indiana, within the meaning of the statutes and said relapse; that at no time during his of the State in that behalf enacted, and that, therefore, any attempt by said respondent to cause or procure the appointment of a guardian for the person of said Fowler under the statutes of the State necessarily implies, means and results in the deprivation of said Fowler, under the color of the statutes and authority of the State of Indiana, of his liberty without due process of law, or any process of law, and that the whole proceedings by said respondent are instituted, maintained and carried on for the express purpose of thereby obtaining and continuing the possession of the person of said Fowler and of restraining him of his liberty, contrary to law and

after, to wit: On the 24th day of April, 1903 a petition and application was filed with the Probate Court of the county of Hamilton, in the State of Ohio, by Ophelia Duhme Fowler, asking the appointment of a guardian of the person and estate of the said Fowler, he being then and there a citizen and said court having full and exclusive jurisdiction of the subject matter of said action; and such proceedings were had in said application was duly brought home to the respondent and given as required by the statutes of the State of Ohio in such matters, and thereupon afterwards, to wit: on the 25th day of April, 1903, said matter coming on for hearing before the Hon. Carl Neppert, sole judge of said Probate Court, the said respondent being represented in said matter by counsel, it was ordered and adjudged by said court that this petitioner be appointed guardian of the person of said Moses Fowler, and he thereupon duly qualified, gave bond and entered upon the discharge of his duties as such guardian, and is now in the discharge of such duties, and, as such, entitled to the custody, control and possession of the person of said Moses Fowler and entitled to have the said Moses

wrongful, illegal and forcible restraint and detention by said respondent.

Fowler released and discharged from the

PRAYER TO COURT. "Your petitioner further shows that by reason of the manner in which said Moses Fowler is restrained of his liberty by the said respondent and his employes, and by reason of his forcible denial of admittance to said Moses Fowler of his friends and relatives and his former counsel, and by reason of the condition of mind that has been superinduced and brought about by the violence, force and wrongful acts of the respondent, it has been and is now impracticable and impossible to obtain access to said Fowler for the purpose of having him he were in a mental condition sufficient to enable him to make such application, his said mental condition, as aforesaid, having been brought about by the wrongful acts of the respondent. And this petitioner now, with the approval of said Mrs. Duhme, with whom, since 1899, as aforesaid, said Fowler has made his home, and of whose family said Fowler is a member, and in the interest and for the benefit of said Fowler, this petition is now presented and submitted to

onor to cause a writ of habeas corpus to erick S. Chase, to produce before your Moses Fowler Chase, at such time within the next ten days as your honor may di-rect, then and there to abide by and perform the orders and judgment of your honor and of this court, and that upon such has recurred to said Fowler, in an acute form, the malady that came to him in 1898, as aforesaid, and that returned in 1900, as aforesaid, and since his arrival in Lafayette, and at this time, said Fowler is a person of unsound mind, but his insanity is not dangerous in character either to himself or to others, and it is of such a character and it is of such a character and the orders and judgment of your honor and of this court, and that upon such honor and of this court, and that upon such hearing said Moses Fowler may be restored to his liberty and that the respondent be prohibited from in any wise restraining the said Moses Fowler of his liberty, or from attempting to deprice said Moses Fowler of his liberty, contrary to the provisions of the fourteenth amendment to the Constitution.

"Your petitioner, therefore, prays your

of the United States as aforesaid. And will your honor grant such other and further orders in the premises as may to your honor seem just and proper.'

NEW GUARDIAN APPOINTED.

Mrs. Duhme Wins Unexpected Victory at Cincinnati.

At Cincinnati yesterday Mrs. Charles H. Duhme, aunt of young Moses Fowler Chase, made the first of the skillful moves which resulted in blocking further action by the boy's father for the time being. In the Hamilton County Probate Court she applied to Judge Nippert to have a guardian ap-

After testimony was taken which went to show that Moses Fowler-as the Duhmes Nippert granted the application and appointed George Hoadly, jr., of Cincinnati, a law partner of former Attorney General the boy's father, were taken by surprise and were unprepared to make the resistwarning come earlier.

Mr. Hoadly immediately furnished bond in the sum of \$250,000 and came to Indianapolis to apply to Judge Anderson for a writ from having the young man declared in-sane by the Tippecanoe Circuit Court Mon-day morning. He had applied to Judge morrow morning.

CHASE'S ATTORNEYS SPEAK.

Matter of Jurisdiction of Indiana and Ohio Courts Discussed.

LAFAYETTE, Ind., April 25.-By their unexpected move to-day the Duhmes have put an entirely new aspect on the Moses Fowler Chase case, and the action of the Ohio court in granting their request that complications and ramifications that is bewildering. The appointment of a guardian four guardians appointed for young Chase. ready clashed, as the appointment by the "Witness, Quincy A. Earl, clerk of said Ohio tribunal of a guardian of Chase's eston Circuit Court of Frederick Chase as guardian of his son's estate.

> While the Chase case is the sole topic of conversation everywhere about the city to-

The Journal correspondent to-day asked one of the attorneys of Frederick S. Chase what there was in the claim of the Duhmes as to the alleged judgment in Cincinnati notice or attention of the said Fowler, on four years ago and the judgment of the said 16th day of April, 1903, or at any other | court here of Nov. 21, 1899, declaring Moses Fowler Chase to be of sound mind, and also asked what there was in their claims as to the court here not having jurisdiction in the proceedings now pending on account acter or description that was served in said of the alleged residence of the young man at Cincinnati. The attorney replied that he had noticed statements in the papers setting out the claims noted, but that so far they had not been noticed, for the reason, in the first place, that these claims of the Duhmes gave the attorneys for Mr. Chase no concern, and, in the second place, they have been averse to discussing legal ques-

> ing these contentions the attorney said "In the first place there is a judgment of the Probate Court of Genesee county, Michigan, rendered on Sept. 29, 1898, in accordance with the laws of Michigan and after notice adjudging that the young man was of unsound mind and directing his committal to the Oak Grove sanatorium at Flint, that State. One of the judgments relied upon by the Duhmes is that rendered at Cincinnati on June 13, 1899, assuming Michigan. It is hardly necessary to say to one, not even a lawyer, that the judgment was void, a court of one State having no power to set aside the judgment of another State. The next and only judgment relied upon by the Duhmes is that rendered in the Tippecanoe Circuit Court on Nov. 21, 1899. That judgment is peculiarly worded and confines the adjudication of the soundness of mind of the young man to the precise time when it was entered, occupying a space of time of perhaps not more than two minutes. But a judgment of this kind as often decided really amounts to nothing. The presumption of law is that men are of sound mind, and a judgment of a court like this adds nothing to the presumption. The judgment of the court that a man of unsound mind is of sound mind counts for nothing, because a court can no more change a man's mind from insanity to sanity than it can by its decree add a foot to his stature. The judgment of a court that a man is of sound mind is what has legal effect. This places him under legal disability, rendering all of his subsequent contracts void until the disability is removed by the same court that rendered the judgment. There are three judgments declaring young Chase of unsound mind. The first is that in Michigan, the second is that of March, 1903, by the Benton Circuit Court and the third is that at Paris when Moses Fowler Chase was removed from the third-rate madhouse. The is of sound mind and capable of managing his own estate. If not of sound mind and not capable of managing his own estate it will be the duty of the court to appoint a guardian. It may be remarked that the judgment of the Tippecanoe Circuit Court of Nov. 21, 1899, did not adjudge that he was capable of managing his own estate. No one has claimed that since the arriving at the age of twenty-three he has beeen capable. The Duhmes show that they have no confidence in him in this respect, because since he arrived at age they have assumed entire control of all his property and administered upon it as effectually as though he were dead, except that their proceedings have not had the sanction of any court. The question of his being an inhabitant of this county is not a difficult one. He was born and reared here and his father had always resided here. His realty is all in this State. His furnished residence is in Lafayette. When he became of age he was of unsound mind. His father is his natural guardian just as much as when he was an infant in his mother's arms. Mentally he is as helpless now as he was then. His legal residence has never been changed. "The day he arrived at age and while he was of unsound mind, he was taken by the

Cincinnati. The control which his father lost over him during his absence from June 4, 1899, to the 15th day of the present month was against his will. During his separation from his father the young man did not have mental capacity to change his residence, and besides he was under the absolute control and influence of Duhmes, or those acting in their employ. rendering him wholly incapable of performing any binding legal act. The affidavit on which the judgment was rendered in Cin-cinnati pretending to change his name from Moses Fowler Chase to Moses Fowler contains statements which were essential to give the court their jurisdiction and which were false, but for which, of course, the de-The blame for the false oath rests upon the Duhmes or those acting for them in Cincinnati. The young man never had any real estate in Cincinnati, was never registered as a voter, and while during the past four years he has personal assets in the hands of Duhmes subject to taxation amounting to from \$50,000 to \$100,000 each year, none of it had ever been taxed in Cincinnati, and it has not been taxed in this city, from the fact that the father had no control over it and could not list it for taxation. The Duhmes probably have evaded taxation in Lafayette under the sham pretense that the young man resided in Cincinnati, but they have not made that pretense good by having the property assessed there. We say honor in open court or in chambers, as your honor may direct, the body of the said Moses Fowler, whom said respondent erroneously designates and describes as Moses Fowler Chase, at such time within the next ten days as your honor may direct, then and there to abide by and per-

Duhmes without his father's consent

The attorney continued that he was averse to having these statements published, and

AT SANDER & RECKER'S SPRING SALE We Sell Globe-Wernicke Sectional Bookcases

Brimful of all that is newest and best from the leading manufacturers of furniture, this large store extends to you an invitation to call and see the most complete exhibit of furniture and novelties ever shown in this State.



off on a few patterns.

Especially Reduced Prices Throughout Our Dining Room Stock......

All the latest finishes are here, weathered oak Antwerp oak, genuine Mahogany, golden oak. Note a few samples:

1 S lid Mahogany 6-foot Colonial Sideboard, regular price \$165, this sale\$135.00 1 Solid Mahogany China Closet to match, worth \$90, this sale . . \$75.00 1 Solid Mahogany Extension Table to match, worth \$125, this sale.....\$98.00 1 Latest Style Antwerp Buffett, worth \$48, this sale \$38.00 1 Fine Weathered Oak Buffett, worth \$48, sale price \$39.00 1 Weathered Oak Buffet, worth \$26, sale price.....\$19.50 6 Patterns of Golden Oak Buffets and Sideboards that sold for \$28, \$30, \$32 and \$33 your choice To-Morrow. \$25.00 Too many Bookcases-all finishes-prices one-fourth and one-third

Sander & Recker Furniture Co. 219. 221. 223 EAST WASHINGTON STREET

The Midland Portland Cement Company

BEDFORD, INDIANA

General Offices-Law Building, Indianapolis, Capital stock, \$1,000,000. Bond issue, \$500,000. Security Trust Company, Indianapolis, Trustee for Bonds.

OFFICERS FRED W. SPACKE, President.

ORLANDO M. PACKARD, Treasurer. GEO. W. M'DANIEL, Vice President. VANTON O. FOULK, Secretary. We offer bonds of the above issue at par with a stock bonus of 25 per cent. For full

particulars apply to the MIDLAND PORTLAND CEMENT CO. Law Building, Indianapolis, Ind.

A New Awning

will add greatly to the appearance of your store front, it's a good advertisement. We are showing all the new ideas in stripes and patterns, also all the best patent adjustments. OUR AWNINGS WILL FIT YOUR WINDOWS like a tailor-made suit. . .

Indianapolis Tent and Awning Co.,

E. WASHINGTON STREET.

ALWAYS INSIST ON GETTING A

MERCANTILE

Because you are NOT paying for CHROMOS, SCHEMES, FREE DEALS, etc. but for FINE QUALITY HAVANA TOBACCO. Equal to Imported Cigara F. R. Rice Mercantile Cigar Co., Manufacturers, St. Louis. UNION MADE.

Packages Called For Armstrong Laundry

papers. The trial will show that sympathy of the local public with the father in this wicked contest that is being waged against him by the Duhmes is worthily bestowed." REFUSES TO TALK.

fact to Father of Moses Fowler Chase Is Si- } The best and cheapest materials lent-Judge Hammond's Statement. Special to the Indianapolis Journal.

LAFAYETTE, Ind., April 25 .- Frederick S. Chase, father of Moses Fowler Chase, to-night refused to make any statement as to the charge of the Duhmes that he used force to gain possession of his son. He referred the Journal correspondent to Judge Hammond, one of his attorneys, who laughed when asked about the Duhme charge. He said:

"How absurd that a father should be accused of using force to get possession of his own demented child. Only the proper legal steps were taken to get the boy to this country, and Consul General Gowdy, in Paris, alone arranged the plans and took Chase from Comar's madhouse, a filthy den. the proprietor of which is now in jail. charged with improperly committing a person to his resort, and probably will be sent to prison for the offense."

Judge Hammond then made an important statement as to the boy's mental condition when the Duhmes alleged he voluntarily had his name changed from Moses Fowler Chase to Moses Fowler. Judge Hammond said that yesterday, after a great effort, young Chase was induced to write his name. He did it slowly and with great difficulty. When he finished he had written "Moses Fowler Chase," proving that in his last lucid moments he knew nothing of the dropping of his last name. Judge Hammond said that he feared no at tempt by the Duhmes to kidnap the boy

"You may be sure that Fred Chase will be appointed guardian of his son."

New Indiana Concerns. The Alexandria Canning Company, of

Alexandria, incorporated yesterday. The capital stock is \$10,000 and the directors are S. G. Phillips, Frank Boyd, Charles Bard, Hiram Harding, Albert Gordon, Al bert L. Wilson and Wilson S. Montgomery. The Sulphur Springs Co-operative Telephone Company, with a capital stock of \$7,000, incorporated yesterday.

The Central Gas and Oil Company, o Kokomo, capitalized at \$15,000, incorporated. The directors are E. S. Hunt, J. S. Watson, W. J. Hale, G. W. Sharp and D. L. Duke. The Hollerbach & May Contract Company, of Evansville, with a capital stock of \$50,000, incorporated. The directors are A. Hollerbach, S. L. May, Maggie May and E.

Fired Shots in the Street.

A quarrel over a game of cards in a saloon on Fort Wayne avenue, between Alabama and New Jersey streets, was finished in the street in front of the saloon with an exhange of shots by Alexander Rodman and John Hicks, colored. The fusillade caused much excitement in the neighborhood, but both negroes were poor marksmen and es-caped without injury. Rodman was ar-rested and charged with sheeting with in tent to kill, but Hicks escaped. He will b

Skirts--Skirts--Skirts

and Delivered.

diversity of styles and faultlessness of fit considered. Material of all kinds to select from. This statement is worthy of investigation. TRY US, and we will make good.

WALL & CO. LADIES' TAILORS.

Suites Nos. 728-729 Newton Claypool Building-

EDUCATIONAL. We Give You An Education That Educates

DAY OR NIGHT. Indianapolis V DUSINESS UNIVERSIT

When Building.

iding. E. J. HEEB, President. Established 52 years ago. Five times largest in this state; second largest a the world; half rate for short time to make it irgest Positions secured. Call, phone or write L. D. Vories, Ex-State Supt. Public Instru., Pres.

INDIANAPOLIS OMMERCIAL SCHOO Lemoke Building

Superior course of training. Bookkeeping Shorthand, Typewriting. Individual instruction Indianapolis Conservatory of Music EDGAR M. CAWLEY, Director.

509 North Illinois Street, Indianapolis, Ind.

Day as well as boarding students may enter spring term opens Tuesday, April 21, 1903. SEND FOR CATALOGUE. COOKING UTENSILS MADE OF STRANSKY STEEL WARE

Cost five times as much as tin ware, but lasts ten times as long. We sell Stransky Ware and guarantee it for five years against scaling Vonnegut Hardware Co. 130, 122 and 124 East Washington St.

